

**REMARKS**

The Office Action dated December 29, 2004 has been carefully considered. Claims 1, 12, 20 and 23 have been amended. Claims 6, 7, 17, 18, 25, and 26 have been cancelled. Claims 1-5, 8-16 and 19-24 are in this application.

The specification was rejected under 35 U.S.C. § 112 as not enabled. Applicant has amended the specification to recite that the cross arm permit pivotal movement for allowing the plurality of blades to be laterally moved away from one another. As shown in Fig. 1 and described on page 3, lines 13-16 of the specification, pivotal movement of the cross arms moves the blades away from one another into an open position, similar to movement of blades in a folding hand fan.

The previously presented claims were rejected under 35 U.S.C. § 112 as indefinite. The claims have been amended to recite that the connection of the cross arms permits pivotal movement of the cross arms for enabling the blades to be laterally moved away from each other into an open position. Support for this amendment is found throughout the specification and in particular on page 3, lines 11-18. No new matter has been entered.

The previously submitted claims were rejected under 35 U.S.C. § 102 as being anticipated or under 35 U.S.C. § 103 as being obvious in view of U.S. Patent No. 5,868,668 to Weiss.

Weiss discloses a surgical instrument having a pair of blades integral with a pair of levers. The blades are disposed one above the other. The blades move vertically apart from each other.

In contrast to the invention defined by the present claims, Weiss does not teach or suggest a plurality of blades which are laterally moved away from each other in the same plane into an open position. Rather, Weiss is directed to a surgical instrument in which the blades move vertically apart from one another in different planes. The blades of the present invention move laterally away from one another for retracting a single wall of any body cavity. In contrast, Weiss is directed to vertical disposition of blades to open a body cavity. Further, Weiss does not teach or suggest incrementally locking the cross arms in place over an angular range of pivotal

movement of the cross arms. Accordingly, the invention defined by the present claims is not anticipated by Weiss.

The previously presented claims were rejected under 35 U.S.C. § 103 as obvious in view of Weiss in combination with U.S. Patent No. 5,072,720 to Francis et al.

Francis et al. disclose a vaginal speculum having a first handle with an integral dilation blade and a second handle with an integral dilation blade. The blades are in vertical slidable and pivotal contact with each other. A plurality of cam slots is disposed on the first handle. A cam of the second handle is received in one of the cam slots.

In contrast to the invention defined by the present claims, Francis et al. do not teach or suggest a plurality of blades which are laterally moved away from each other in the same plane into an open position. Instead, Francis et al., similar to Weiss described above, teach vertical movement of a pair of blades. However, there is no teaching or suggestion of lateral movement of the blades for retracting a single wall of a body cavity. Accordingly, Francis et al. do not overcome the deficiencies of Weiss noted above and the invention defined by the present claims is not obvious in view of Weiss in combination with Francis et al.

Claims 9 and 20 were rejected under 35 U.S.C. § 103 as obvious in view of Weiss in combination with U.S. Patent No. 6,036,638 to Nwawka.

Nwawka disclose a vaginal sleeve to cover a conventional vaginal speculum. The sleeve comprises a sheath having a small orifice and a flange adapted to cover the pubic region.

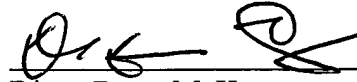
In contrast to the invention defined by claim 9, Nwawka do not teach or suggest that a plurality blades are connected to one another by an elastomeric membrane. Rather, Nwawka teaches an elastomeric membrane which is placed over blades, but is not used for connecting the blades. Further, Nwawka does not overcome the deficiencies of Weiss noted above and the invention defined by the present claims is not obvious in view of Weiss in combination with Nwawka.

In view of the foregoing, Applicant submits that all pending claims are in condition for allowance and request that all claims be allowed. The Examiner is invited to contact the undersigned should he believe that this would expedite prosecution of this application. It is believed that no fee is required. The Commissioner is authorized to charge any deficiency or

credit any overpayment to Deposit Account No. 13-2165.

Respectfully submitted,

Dated: April 29, 2005

A handwritten signature in black ink, appearing to read 'Diane Dunn McKay', is written over a horizontal line.

Diane Dunn McKay  
Reg. No. 34,586  
Attorney for Applicant

MATHEWS, COLLINS, SHEPHERD & McKAY, P.A.  
100 Thanet Circle, Suite 306  
Princeton, NJ 08540  
Tel: 609 924 8555  
Fax: 609 924 3036